

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

SPENCER NORMAN, et al.,)
Plaintiffs,)
vs.) Case No. 2:12-CV-04210
CAMDEN COUNTY, et al.,)
Defendants.) October 2, 2013
) Camdenton, Missouri

COPY

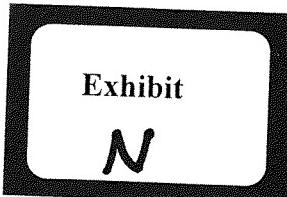
COPY

VIDEOTAPED DEPOSITION OF JAMEE RUGEN,

a witness, produced, sworn, and examined on October 2, 2013 between the hours of 8:00 a.m. and 6:00 p.m. of that day, at the law offices of Phillips, McElyea, Carpenter & Welch, 85 Court Circle, in the City of Camdenton, County of Camden, State of Missouri, before

SHELLY L. STEWART, CCR (No. 619)
CAPITAL CITY COURT REPORTING
Jefferson City ** The Lake ** Columbia
573-761-4350 * 573-365-5226 * 573-445-4142

within and for the State of Missouri, in the above-entitled cause, on the part of the Plaintiffs, taken pursuant to amended notice.



1 THE VIDEOGRAPHER: We are on the record at 10:05.

2 Today's date is October 2nd, 2013. We are at the law
3 offices of Phillip, McElyea, Carpenter and Welch. The
4 address is 85 Circle Court Northwest in Camdenton,
5 Missouri.

6 We are here today for the deposition of Jamee
7 Watson Rugen to be taken in the case of Spencer Norman,
8 et al. versus Camden County, et al. currently pending in
9 the United States District Court, Western District of
10 Missouri, Central Division, Case No: 2:12-CV-04210.

11 At this time would counsel please identify
12 themselves for the record?

13 MR. CARNIE: Kevin Carnie for the Plaintiffs.

14 MR. HENSON: Keith Henson on behalf of all of the
15 Defendants.

16 JAMEE RUGEN, having first been duly sworn, testified as
17 follows:

18 DIRECT EXAMINATION BY MR. CARNIE:

19 Q. Would you please state your name?

20 A. **Jamee Rugen.**

21 Q. And has your name recently changed?

22 A. **Two years ago it did.**

23 Q. So not so recently?

24 A. **Yes.**

25 Q. Were you married at that time?

1 **A. I was. At the time of the incident?**

2 Q. When your name changed? Is that --

3 **A. Yes.**

4 Q. -- why your name changed?

5 **A. Yes.**

6 Q. Okay. What was your name back in October of
7 2011?

8 **A. Jamee Watson.**

9 Q. Okay. Congratulations on the marriage.

10 **A. Thanks.**

11 Q. What's your address, ma'am?

12 **A. My residential address?**

13 Q. Yes, ma'am.

14 **A. 78 Hummingbird, Camdenton, Missouri.**

15 Q. And what is your occupation?

16 **A. I'm a deputy for the sheriff's department.**

17 Q. And is that in Camden County?

18 **A. Yes, it is.**

19 Q. And I'm going to apologize in advance. I have to
20 ask you a couple of questions that I wouldn't normally ask
21 somebody, so I hope you'll forgive me and have some
22 understanding, okay?

23 **A. Okay.**

24 Q. How old are you?

25 **A. I'm 26.**

1 Q. And I assume you walked toward them, correct?

2 A. **I rushed toward them.**

3 Q. Okay. So you were moving quickly toward them?

4 A. **Yes.**

5 Q. And what did you see when you got close to them?

6 A. **That they were struggling with the male subject**
7 **to gain control over him. I could see that beforehand too.**
8 **And that his right arm had some blood on it and that he was**
9 **actively resisting the deputies.**

10 Q. And what was Deputy Dziadosz doing when you
11 arrived?

12 A. **He was trying to gain control over the suspect or**
13 **the subject's left hand and left arm.**

14 Q. Was he touching Mr. Norman?

15 A. **Yes.**

16 Q. What parts of his body were touching Mr. Norman?

17 A. **His hands.**

18 Q. Where were his knees?

19 A. **On the ground.**

20 Q. Can you describe what Deputy Dziadosz was doing?

21 A. **He was trying to gain control over his hands or**
22 **his arm.**

23 Q. And physically what does that involve doing?

24 A. **Holding onto his arm, trying to get it behind his**
25 **back.**

1 **A. Yes.**

2 Q. And Sergeant Fiene is not touching him other than
3 straddling him?

4 **A. Yes.**

5 Q. Okay. Then what happened next?

6 **A. I rushed to his side and got down on my knees and
7 grabbed hold of Mr. Norman's right hand -- or right arm.**

8 Q. Okay. And what did you do with his right arm?

9 **A. I attempted to get it out from under his body.**

10 Q. Describe to me how you did that.

11 **A. I started to grab toward his arm, grabbed his
12 upper for-- or his lower forearm and then worked my way
13 down to his wrist and attempted to pull it out from under
14 his body.**

15 Q. And were you able to do that?

16 **A. Not right away.**

17 Q. At the time you started to make contact with
18 Mr. Norman's arm, what was Sergeant Fiene doing?

19 **A. He was directing Mr. Norman to put his hands
20 behind his back.**

21 Q. Did you say anything to Mr. Norman?

22 **A. I don't recall.**

23 Q. Were you able to hear any noises from Mr. Norman?

24 **A. Yes.**

25 Q. What noises was he making?

1 **A.** **He was yelling and grunting.**

2 Q. Could you make out any of the words he was
3 saying?

4 **A.** **No.**

5 Q. What was Mr. Norman doing when you arrived?

6 **A.** **Resisting deputies.**

7 Q. What does that mean?

8 **A.** **He was fighting against deputies. I'm sorry. He**
9 **was struggling against deputies' hold on him to try to put**
10 **his arms behind his back, wasn't following commands that**
11 **the deputies were giving him and attempting to push himself**
12 **off the ground.**

13 Q. Can you describe Mr. Norman's appearance when you
14 arrived?

15 **A.** **He was wearing only shorts, which were later**
16 **identified as boxer shorts.**

17 Q. So he had no shirt on?

18 **A.** **No.**

19 Q. Did he have shoes on?

20 **A.** **No.**

21 Q. Did he have socks on?

22 **A.** **No.**

23 Q. Did he have pants on?

24 **A.** **No.**

25 Q. So he was only wearing boxer shorts?

1 **A. Yes.**

2 Q. And what position was Mr. Norman in?

3 **A. He was on his stomach.**

4 Q. And is that called the prone position?

5 **A. Yes, it is.**

6 Q. Before you arrived to the scene, did you have any
7 communication with Deputy Dziadosz?

8 **A. We had radio communication.**

9 Q. What was that radio communication?

10 **A. Oh, did I actually talk to him prior to arriving
11 on the scene?**

12 Q. Yes, ma'am.

13 **A. No, I did not.**

14 Q. Okay. Did you hear him say anything over the
15 radio prior to arriving on scene?

16 **A. I don't recall what was said over the radio.**

17 Q. Did you have any conversation with Sergeant Fiene
18 prior to arriving?

19 **A. No.**

20 Q. Did you hear Sergeant Fiene say anything over the
21 radio prior to arriving?

22 **A. Not that I can remember.**

23 Q. Did anybody tell you that Mr. Norman was an
24 emotionally disturbed person before you arrived?

25 **A. No.**

1 Q. Were you at any point able to make that
2 determination?

3 **A. Yes.**

4 Q. When?

5 **A. When I got up to everybody, the group of them,**
6 **and he wasn't following commands. Everything -- he was --**
7 **he just wasn't responding the way a normal person would.**

8 Q. When you arrived, did Deputy Dziadosz tell you he
9 was an emotionally disturbed person?

10 **A. No.**

11 Q. Did Sergeant Fiene tell you he was an emotionally
12 disturbed person?

13 **A. No.**

14 Q. That's just something you observed when you
15 arrived?

16 **A. Yes.**

17 Q. At any point during your interaction with
18 Mr. Norman did you say anything to him?

19 **A. The only thing that I would have said would be**
20 **put your hands behind your back and stop resisting.**

21 Q. During the entire interaction with Mr. Norman,
22 could you make out any words that Mr. Norman said?

23 **A. No.**

24 Q. Can you tell me all of the words you remember
25 Sergeant Fiene saying to Mr. Norman?

1 **A. It wasn't -- we didn't -- we had to use more than**
2 **one set of handcuffs in order to do it.**

3 Q. Okay.

4 **A. So --**

5 Q. Right. And I'm interested in what Sergeant Fiene
6 was doing with his hands during this whole time that you
7 guys are trying to handcuff him?

8 **A. I don't know.**

9 Q. Okay. And that's because you were looking at
10 what you were doing?

11 **A. Yes.**

12 Q. And you weren't watching everything Sergeant
13 Fiene was doing?

14 **A. No, I was not.**

15 Q. And you weren't watching everything Deputy
16 Dziadosz was doing?

17 **A. No.**

18 Q. Can you describe to me how you were able to get
19 Mr. -- control of Mr. Norman's arm?

20 **A. I had to use both hands and finally got a hold of**
21 **his wrist and was able to pull it out from under his body.**

22 Q. Okay. During this time period, where are your
23 knees?

24 **A. At that time they were on the ground.**

25 Q. Okay. So are you reaching under Mr. Norman's

1 improper opinion. It's speculation on her part.

2 THE WITNESS: Yes.

3 BY MR. CARNIE:

4 Q. And what is that based on?

5 A. Based on the location that it was at, I don't
6 think it would be detrimental, and it helps with making
7 sure that the subject wouldn't further cause harm to
8 himself or us, and just to make sure that we have control
9 over them.

10 Q. And is that based on your training?

11 A. Yes.

12 MR. CARNIE: I don't have any further questions
13 for you.

14 MR. HENSON: We don't have any questions and we
15 will read and sign, so send it to me and we'll get it back
16 to you.

17 THE VIDEOGRAPHER: We are off the record at
18 12:24. This concludes this deposition of Deputy Jamee
19 Rugen.

20 (SIGNATURE REQUESTED.)

21

22

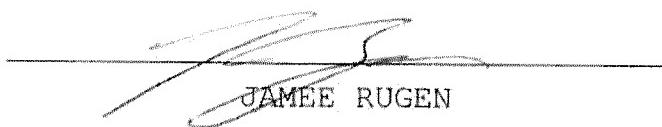
23

24

25

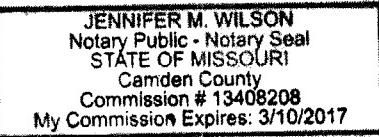
1 (THIS IS THE SIGNATURE PAGE TO THE VIDEOTAPED DEPOSITION OF
2 JAMEE RUGEN TAKEN ON OCTOBER 2, 2013.)
3
4
5
6
7
8

ORIGINAL



JAMEE RUGEN

10
11 Subscribed and sworn before me on this 5 day
12 of December 2013.
13 My Commission expires 03/10/2017.



17
18 NOTARY PUBLIC - STATE OF MISSOURI
Commissioned in Camden County

19
20
21
22
23
24
25